

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Anderson

Serial No.: 08/903,898

Filed: July 31, 1997



Group Art Unit: 2712

Examiner: Martin, A.

For: **METHOD AND SYSTEM FOR AUTO ROTATING A GRAPHICAL USER INTERFACE FOR MANAGING PORTRAIT AND LANDSCAPE IMAGES IN AN IMAGE CAPTURE UNIT**

DECLARATION UNDER 37 C.F.R. § 1.68

I, Eric C. Anderson, hereby declare that:

1. Apple Computer initiated a project, which became known as the FlashPoint project, to develop a multitasking embedded operating system for controlling digital still cameras. The operating system (OS) went through several developmental phases and resulted in several different versions, only the last of which was actually licensed to third parties.
2. The first version of OS was known as FlashPoint 1.0, and was designed to control cameras that did not include a LCD screen. Apple first proposed to develop the concept behind FlashPoint 1.0 to camera manufacturers on or around September 1995 without detailing the functionality or implementation of each feature. It is believed that no camera manufacturers accepted Apple's proposal. FlashPoint 1.0 was declared alpha (all features operable, but unstable) on or around March 1996.
3. The second version of OS was known as FlashPoint 2.0, which included a graphical user interface (GUI) for use with cameras that included a LCD screen. FlashPoint 2.0 had two embodiments.
4. The first embodiment of FlashPoint 2.0 was designed with a GUI that displayed nine images in a 3x3 array on the LCD screen. Apple first proposed to develop the concept behind the first embodiment of FlashPoint 2.0 to camera manufacturers on or around October 25, 1995. No camera manufacturer accepted Apple's proposal to develop the first embodiment of FlashPoint 2.0, nor was this embodiment ever implemented.
5. In the second embodiment of FlashPoint 2.0, Apple redesigned the GUI as a filmstrip metaphor that displayed a series of thumbnail images in a row across the LCD screen along with an enlarged thumbnail of the current image. Apple first proposed to supply the concept behind the second embodiment of FlashPoint 2.0 to camera manufacturers on or around October 17, 1996.

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6. In November of 1996, Apple assigned various inventions and patent applications relating to the FlashPoint project to a new corporate entity, FlashPoint Technology. The founding members of FlashPoint were ex-Apple employees. FlashPoint continued to develop FlashPoint 2.0, which was subsequently, renamed Digita 1.0. Digita 1.0 is customized for each licensee if requested, requiring a separate Development Agreement.
7. Since the time of FlashPoint's inception, most communications between FlashPoint and its licensees, third party developers, and prospective employees and licensees regarding the details behind Digita have been, and continue to be, covered by Confidentiality Agreements.
8. The effective date of FlashPoint's first executed License Agreement was November 15, 1996. The effective date of FlashPoint's first executed Development Agreement was January 1, 1997.
9. FlashPoint's first development effort with a licensee to customize Digita 1.0 included changes to the Digita software specification, resulted in many delays due to the complexity of the project, and lasted approximately one and one half years. The testing of Digita during the development process was conducted by three different companies; in-house at FlashPoint, off-site at a third-party testing company named Quality Partners, and in-house by the licensee.
10. The customized version of Digita 1.0 for the Licensee was declared alpha (all features operable, but unstable) in the spring of 1998, and declared golden master (ready to ship) in June 1998. The first digital camera running Digita, the Kodak DC 260, was sold to consumers in July 1998.
11. The present invention was embodied in Digita 1.0.
12. Prior to October 17, 1996, I described the present invention in concept form only and without any implementation details in a document entitled "Inventions Summary".
13. I did not prepare a detailed description of the present invention until the time the present patent application was prepared. The present patent application describing and claiming the invention was filed on July 31, 1997.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Eric C. Anderson

12/22/98
Date